

BRIAN SANDOVAL  
Governor

## STATE OF NEVADA



### MEMBERS

Kevin E. Burke, Chairman  
Thomas "Jim" Alexander  
Donald L. Drake  
Nathaniel W. Hodgson, III  
William "Bruce" King  
Stephen P. Quinn  
Guy M. Wells

## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING May 25, 2011

### REPLY TO:

**Southern Nevada**  
2310 Corporate Circle  
Suite 200  
Henderson, Nevada 89074  
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Fax (702) 486-1190  
Investigations (702) 486-1110

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**Northern Nevada**  
9670 Gateway Drive, Suite 100  
Reno, Nevada 89521  
(775) 688-1141  
Fax (775) 688-1271  
Investigations (775) 688-1150

### CALL TO ORDER:

Hearing Officer Alexander called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, May 25, 2011, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

### BOARD MEMBERS PRESENT:

Mr. Thomas "Jim" Alexander, Board Member  
Mr. Donald Drake, Board Member

### STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer  
Mr. Daniel Hammack, Chief of Enforcement  
Mr. George Lyford, Director of Investigations

### LEGAL COUNSEL PRESENT:

Mr. Jonathan Andrews, Esq., Legal Counsel  
Mr. David Brown, Esq., Legal Counsel  
Mr. Louis Ling, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on May 18, 2011, at Las Vegas City Hall, Sawyer State Building and Clark County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board Internet Website.

### ADJUDICATING BOARD MEMBER: JIM ALEXANDER

#### 1. DISCIPLINARY HEARING:

ELDORADO ROCK PRODUCTS, INC., License No. 34507

ASPHALT SERVICES, LTD., License No. 75452

URBAN JUNGLE CONTRACTORS, LTD., License Nos. 75453, 75454, 75455, 75456

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's correspondence dated May 23, 2011.

Exhibit B – A fax from the Tiberti Company dated May 23, 2011.

**Hearing Officer Alexander found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility, however, no fine was assessed. Investigative costs were assessed in the amount of \$1,737.00. The Second Cause of Action was dismissed. Investigative costs are due within ninety (90) days of the May 25, 2011 hearing or license number 34507, Eldorado Rock Products, Inc. shall be suspended. A current financial statement with bank verification form for all cash accounts that support the license limit shall be provided within ninety (90) days of the May 25, 2011 hearing. If the financial statement does not support the license limit, the license limit shall be reduced to the amount of that the financial statement supports. The complaint against Asphalt Services, Ltd and Urban Jungle Contractors, LTD was dismissed.**

### **2. DISCIPLINARY HEARING:**

**THE BARRICADE COMPANY, LLC**, License No. 73789

Licensee was present.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated March 26, 2011.

**Hearing Officer Alexander found Respondent guilty of one (1) violation of NRS 624.3015(2) bidding in excess of the limit placed on the license by the Board, however, no fine or investigative costs were assessed.**

### **3. DISCIPLINARY HEARING:**

**AMERICAN ASPHALT AND GRADING COMPANY**, License No. 33380

Licensee was present with counsel, Gary Hayes, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated March 15, 2011.

Exhibit B - Respondent's payment agreement with Cedco Iron, Inc. dated May 4, 2011.

Hearing Officer Alexander found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility, however, no fine was assessed. Investigative costs were assessed in the amount of \$1,514.00. Investigative costs are due within sixty (60) days of the May 25, 2011

hearing. License Number 33380, American Asphalt and Grading Company shall be suspended until a current financial statement with bank verification for all cash accounts is provided that supports the license limit. If financial statement does not support the license limit, the license limit shall be lowered to the amount the financial statement supports.

#### 4. DISCIPLINARY HEARING: (Stipulated Revocation)

a. MAYNARD WILLIAM KIMBRELL, OWNER, dba MAYNARD KIMBRELL ROOFING COMPANY, License No. 42386A

MAYNARD WILLIAM KIMBRELL, OWNER, dba MAYNARD KIMBRELL CONSTRUCTION COMPANY, License No. 51610A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file including the Respondent's stipulation to the revocation of both licenses.

Hearing Officer Alexander found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; two (2) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one violation of NRS 624.3016(5), as set forth in NRS 624.600(1)(a) NRS 624.3013(5), as set forth in NRS 624.600(1)(a)(b) failure to comply with furnishing name, license number, business address and phone number; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.165(3)(e)(2) constructional fraud occurs if a person engaged in construction acts as a contractor without possessing any other license required by this State; two (2) violations of NRS 624.3013(5), as set forth in NAC 624.640(5) failure for licensee in any material respect to include in all bids and contracts the license number and monetary limit placed on the license; one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 each for the First, Sixth Seventh and Tenth Causes of Action; a fine of \$100.00 each for the Second, Fifth, Eighth and Ninth Causes of Action; a fine of \$250.00 for the Third Cause of Action; a fine of \$750.00 for the Fourth Cause of Action, for total fines of \$3,400.00 and investigative costs of \$1,771.00. License number 42386A, Maynard William Kimbrell, Owner, dba Maynard Kimbrell Roofing Company and license number 51610A, Maynard William Kimbrell, Owner, dba Maynard Kimbrell Construction Company were revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

b. BEST INSTALLATION TILE AND MARBLE, INC., License Nos. 68880, 68881

SUNSHINE, INC., dba SUNSHINE FLOOR AND DESIGN GALLERY, License Nos. 49902, 49900, 55109

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 – Respondent's letter dated April 13, 2011 stipulating to the revocation of all its licenses.

Hearing Officer Alexander found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written

request from the Board; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 for the First Cause of Action, a fine of \$250.00 for the Second Cause of Action for total fines of \$750.00 and investigative costs of \$1,310.00. License numbers 68880 and 68881, Best Installation Tile and Marble, Inc., and license numbers 49902, 49900 and 55109, Sunshine, Inc., dba Sunshine Floor and Design Gallery were revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

#### **5. DISCIPLINARY HEARING – DEFAULT ORDERS**

##### **a. BIG C, LLC**, License No. 67393

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Alexander found Respondent Big C, LLC, license number 67393 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Tenorio was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board. Respondent was assessed a fine of \$500.00 for each of the First and Second Causes of Action; a fine of \$250.00 for the Third Causes of Action for total fines of \$1,250.00 and investigative costs in the amount of \$1,264.00. License number 67393 Big C, LLC was revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

##### **b. INSULATION MAINTENANCE AND CONTRACTING, LLC**, License Nos. 52565A, 52572A

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Alexander found Respondent Insulation Maintenance and Contracting, LLC, license numbers 52565A and 52572A in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Bullock was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action and investigative costs in the amount of \$1,294.00. License numbers 52565A and 52572A Insulation Maintenance and Contracting, LLC were revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

**c. LAS VEGAS HOME XCHANGE, LLC, dba FINISHING TOUCH CONSTRUCTION AND LANDSCAPE,**

License Nos. 61144, 68709, 69164

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Alexander found Respondent Las Vegas Home Exchange, LLC, dba Finishing Touch Construction and Landscape, license numbers 61144, 68709, 69164 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Paesano was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility and one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. No fines or costs were assessed due to the fact that licensee has filed for bankruptcy. License numbers 61144, 68709 and 69164 Las Vegas Home Xchange, LLC, dba Finishing Touch Construction and Landscape, were revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

**d. JAMES MARK SCHENCKE, OWNER, dba PLATINUM MANAGEMENT,** License No. 68940

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Alexander found Respondent James Mark Schencke, Owner, Platinum Management, license number 68940 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Schencke was found guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3015(1) acting beyond scope of license; one (1) violation of NRS 624.3014(1)(a) acting in the capacity of a contractor under any license issued except in the name of the licensee; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$500.00 for each of the Second, Fourth and Sixth Causes of Action; a fine of \$100.00 for the Third Cause of Action; a fine of \$250.00 for the Fifth Cause of Action for total fines of \$1,850.00 and investigative costs in the amount of \$1,341.00. License numbers 68940, James Mark Schencke, Owner, dba Platinum Management was revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

**e. CUSTOM SIGNS, INC., dba SIGN INNOVATIONS,** License No. 68076

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Correspondence from Mr. Hill to the Board dated May 18, 2011 stating he is filing bankruptcy and is surrendering his license.

Hearing Officer Alexander found Respondent Custom Signs, Inc., dba Sign Innovations, license number 68076 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Hill was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$250.00 for the Second Cause of Action and investigative costs in the amount of \$1,261.00. License number 68076, Custom Signs, Inc., dba Sign Innovations was revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

**f. N. H. B., Inc.**, License No. 61065

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Alexander found Respondent N. H. B., Inc., license number 61065 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Brown was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; three (3) violations of NRS 624.302(5) failure to respond to a written request from the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$250.00 for each of the Second, Third and Fourth Causes of Action for total fines of \$1,250.00 and investigative costs in the amount of \$1,991.00. License number 61065, N. H. B., Inc. was revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

#### **ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Alexander at 9:54 a.m.

Respectfully Submitted,

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Janet Brinkley, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Thomas "Jim" Alexander, Hearing Officer